



ANNO OCTAVO

GEORGI VI REGIS.

A.D. 1944.

No. 4 of 1944.

An Act to provide for the acquisition and distribution of supplies of chaff and hay, and for incidental purposes.

[Assented to 3rd October, 1944.]

WHEREAS it is expedient, in view of the drought now prevailing in the State of South Australia, to make extraordinary provision for ensuring that there will be sufficient supplies of chaff and hay available for the use of persons requiring the same: BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Chaff and Hay (Acquisition) Act, 1944".

Interpretation.

2. In this Act, unless the context or subject matter otherwise requires—

"committee" means The Chaff and Hay Acquisition Committee constituted under this Act:

"Minister" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.

Constitution of committee.

3. (1) A committee to be called "The Chaff and Hay Acquisition Committee" is hereby constituted.

(2) The committee shall consist of four members to be appointed by the Governor upon the nomination of the Minister.

(3) The members of the committee shall hold office for such term as is from time to time fixed by the Minister and upon such conditions as are from time to time fixed by the Minister.

(4) The committee shall be deemed to be an instrumentality of the Crown.

4. (1) The committee may acquire any chaff or hay within the State. Power of committee to acquire chaff or hay.

(2) The committee may acquire any standing crop within the State which is capable of being harvested as hay.

(3) The powers conferred by this section shall not be exercised after the thirtieth day of September, nineteen hundred and forty-five.

5. (1) The power of acquisition conferred by this Act upon the committee may be exercised in any of the following ways :— Method of acquiring chaff or hay.

i. The committee, any member of the committee, or any person authorized in writing by the committee for the purpose may purchase any chaff, hay or standing crop :

ii. The committee may give to the owner of any chaff, hay or standing crop, or to the person apparently having the custody thereof or in occupation of the land where it is, notice in writing that it is the intention of the committee to acquire the chaff, hay or standing crop.

(2) Upon the purchase of any chaff, hay or standing crop, or upon notice in respect thereof being given as provided by subsection (1), the chaff, hay or standing crop shall vest absolutely in the committee and shall, subject to any disposition thereof made by the committee under this Act, be and remain the property of the committee for the purpose of this Act.

(3) The powers of acquisition conferred by this Act may be exercised by the committee in the manner provided by paragraph ii. of subsection (1) only within such parts of the State as the Governor by proclamation declares to be parts of the State within which the said powers may be exercised. The Governor may make any such proclamation and may by proclamation revoke or vary any such proclamation.

6. (1) Notwithstanding the provisions of this Act, the committee shall not acquire (otherwise than by purchase) any chaff, hay or standing crop from any primary producer if the committee is satisfied that the primary producer has not in his possession or disposition (apart from the chaff, hay or standing crop so Limitation of power of acquisition.

acquired) fodder reasonably sufficient for the stock of the primary producer during the succeeding period of twelve months.

(2) In this section "primary producer" means any person engaged in agricultural, horticultural, viticultural, pastoral or other like pursuits.

Payment for
chaff or hay
acquired.

7. (1) If any chaff, hay or standing crop is acquired by the committee, the chaff, hay or standing crop shall be freed from all mortgages, charges, liens, pledges, interests and trusts affecting the same.

(2) The rights and interests of every person in any chaff, hay or standing crop acquired by the committee shall upon the acquisition thereof be converted into claims for compensation.

(3) The amount of compensation payable to any person in respect of any chaff, hay or standing crop acquired by the committee shall be such as is agreed upon between the person concerned and the committee or, in the absence of agreement, as is determined in an action for compensation against the committee.

In determining the amount of compensation to be paid as aforesaid, the court hearing the action shall assess the value of the chaff, hay or standing crop at the time it is acquired by the committee and having regard to the provisions of any regulation, order or declaration made pursuant to any Act of the Commonwealth and fixing the price of chaff, hay or standing crops.

Power to
purchase chaff
or hay from
outside the
State.

8. (1) The committee or any person authorized in writing by the committee for the purpose may purchase any chaff or hay outside the State.

(2) The powers conferred by this section shall not be exercised after the thirtieth day of September, nineteen hundred and forty-five.

Power to
harvest crop.

9. The committee may harvest or cause to be harvested any standing crop acquired by the committee.

Power to
dispose of
chaff or hay.

10. The committee may, upon such terms and conditions as are prescribed, sell chaff or hay to any person.

Power to enter
land.

11. (1) Any member of the committee or any person authorized in writing by the committee for the purpose may at any time enter into and search any premises, wharf, vessel, or conveyance where any chaff or hay is or is supposed to be and may at any time enter upon any land where any standing crop is or is supposed to be.

(2) For the purpose of taking possession of any chaff or hay acquired by the committee or for the purpose of harvesting any standing crop acquired by the committee, any member of the committee or any person authorized by the committee may, with any necessary equipment, enter and remain in or upon any premises, wharf, vessel, conveyance or land and may do all things necessary for any such purpose.

12. (1) The committee may do all things necessary for the storage and protection of any chaff, hay or standing crop acquired by or the property of the committee. General powers of committee.

(2) The committee may insure any such chaff, hay or standing crop.

13. (1) The Treasurer of the State may arrange to borrow, for the purposes of this Act, two hundred and fifty thousand pounds in accordance with the agreement approved by the Financial Agreement Act, 1927. Financial provision.

(2) Without any further appropriation than this section, the amount so borrowed may be applied for the purpose of carrying this Act into effect.

14. (1) All legal proceedings by the committee with respect to any matter arising out of this Act shall be commenced in the name of the committee and all proceedings against the committee or any member of the committee with respect to any such matter shall be instituted against the committee in the name of the committee. Proceedings by or against committee.

(2) The Treasurer of the State shall, from the moneys appropriated for the purpose of this Act, satisfy all orders made by any court against the committee in any such legal proceedings.

(3) No matter or thing done or suffered by the committee or by any member thereof, *bona fide* in the execution of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject any member of the committee to any liability in respect thereof.

15. The Governor may make regulations for all or any of the following purposes, namely :— Regulations.

- (a) Prescribing the constitution and procedure of the committee ;
- (b) Prescribing the form of and the manner of giving notices required to be given under this Act ;
- (c) Prescribing the manner of acquisition by the committee of chaff, hay and standing crops ;

- (d) Prescribing the manner of payment of compensation for chaff, hay and standing crops acquired by the committee ;
- (e) The sale or disposal by the committee of chaff and hay ;
- (f) Authorizing the acquisition or requisition by the committee of any plant or machinery necessary for the purposes of this Act ;
- (g) Authorizing the acquisition or requisition by the committee of facilities for the storage of chaff and hay acquired by the committee ;
- (h) For the protection of the property of the committee ;
- (i) Prescribing penalties to be recoverable summarily and not exceeding fifty pounds for the breach of any regulation ;
- (j) Prescribing any matter necessary or convenient for the purposes of this Act or to give effect to this Act.

Validation of
past purchases
of chaff.

16. (1) All contracts and arrangements made or entered into by the Treasurer of the State before the passing of this Act for the purchase of chaff shall be deemed to have been lawfully made and entered into.

(2) Without any further appropriation than this section, any portion of the amount borrowed pursuant to section 13 may be applied for the purpose of carrying out any such contract or arrangement.

(3) All chaff purchased as aforesaid shall vest in the committee and shall be disposed of by the committee in manner provided by this Act.

Non-application
of Public
Supply and
Tender Act,
1914-1940.

17. The Public Supply and Tender Act, 1914-1940, shall not apply to the committee or to any property acquired by or vested in the committee.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.